



Submerged Lands Newsletter

A yearly update of developments in the Submerged Lands Program for submerged lands lessees, easement holders and other interested parties.

January 2015

Submerged Lands Funds

The Maine Department of Agriculture, Conservation, and Forestry's (DACF) Bureau of Parks and Lands (Bureau) uses revenue collected from submerged lands leasing to partner with the Maine Department of Transportation (MaineDOT), Maine Department of Marine Fisheries (DMR) and other programs within the DACF to maintain and improve public use and public access to Maine's waters. Some recent projects funded through the Submerged Lands Program and the Shore and Harbor Management Fund include pier and dock rehabilitation at Colonial Pemaquid State Park; expanding pedestrian shore access in Wiscasset's village area; supporting DMR's Public Health Division shellfish monitoring program; working with the Maine Island Trail Association to manage state-owned coastal islands for recreational purposes; and supporting an ocean mapping and charting initiative that will provide detailed data on bottom characteristics such as profiles, substrate types, and habitat areas.

The Submerged Lands Program also contributes funds to three competitive grant programs: Small Harbor Improvement Program (SHIP), Boating Infrastructure Grant (BIG), and the Maine Coastal Program's Shore and Harbor Planning Grants. SHIP grants are managed by the MaineDOT to promote economic development, public access and improved commercial fishing opportunities, and to preserve and create infrastructure at facilities in tidewater and coastal municipalities. The SHIP program requires a 50 percent match and is open to municipalities for the improvement or construction of public facilities, such as wharves, piers, landings and boat ramps. The BIG program, also administered by MaineDOT, funds the construction, renovation or maintenance of facilities that are used primarily by recreational vessels 26 feet or larger. These facilities may include moorings, navigational aids, transient slips, floating docks, fixed piers, restrooms, bulkheads, pump-out stations, fueling stations and other amenities. The grant program requires a 25 percent match and is open to both public and privately owned facilities.

Proposals for Shore and Harbor Planning grants may include mooring plans, harbor ordinances, or design plans for public landing improvements. They require a 25 percent match and are open to all coastal communities. The Bureau also anticipates expanding its support to the Maine Boating Facilities Fund which promotes the acquisition, development and renovation of public recreational boat access sites providing access to coastal and inland waters of Maine. The grant program requires a 50 percent match and can be used for planning, engineering, land acquisition, and construction.

Coastal Structure Inventory

In the 1990's, the Bureau developed an inventory of structures on the coast in order to determine which structures were located on submerged lands. Structures that qualified for a constructive easement were identified. As you may know, constructive easements were granted for structures that existed on submerged lands when the leasing program was first established. All constructive easements expired in 2005 and since that time, the Bureau has been working to bring these structures into compliance with the Submerged Lands Law. Improved aerial photography greatly assists in this effort.

Over the next year, the Bureau will focus its efforts on contacting the owners of those structures that still need to apply for a conveyance.

Lease Fee Revaluations

The formula to establish the annual lease fees starts with a base rate of \$.05/square foot (s.f.) plus an adjustment derived from the municipally assessed value of the shore-front lot (land only) and the proposed use of the submerged lands to be leased. The Bureau collects updated information on these assessments every five years and recalculates the lease fees accordingly. Additional adjustments are made for lots larger than 200,000 s.f. and smaller than 20,000 s.f. New assessments will be obtained in 2015. If the assessed value of your lot has changed, you will be notified and any change to your lease fee will begin in 2016.

Staff Changes

After many years as director of the Submerged Lands Program, Dan Prichard retired in March. Dan administered the program with a steady hand, and his wisdom, insight and commitment to managing the public's submerged lands were valuable assets. We wish him the best in his retirement.

The new director is John Noll, who was previously employed as a transportation planner at Eastern Maine Development Corporation (EMDC). While at EMDC, he worked closely with the MaineDOT for the past twenty years on local and regional projects encompassing all transportation modes. John also enjoys 'tinkering' on antique boats, holds a U.S. Coast Guard captain's license, and sails out of the Mount Desert Island area.

Another change to the staff occurred in July when Michael Foley retired. His replacement is Cindy Dionne. The name may sound familiar as Cindy previously worked in the program. We welcome her back.

The Department of Agriculture, Conservation & Forestry offices are located in the Harlow Building on the East Side Campus, off Hospital Street (Route 9) in Augusta. The physical address is 18 Elkins Lane. We advise you to call ahead if you would like to meet with the Submerged Lands Staff.

John Noll, Supervisor	(207) 287-4919
Carol DiBello, Coordinator	(207) 287-4922
Cindy Dionne, Technician	(207) 287-6128

Annual Reminders

Sale of Property

If you have sold or are planning to sell your property, please remember that your submerged lands lease or easement must be transferred or assigned to the new owner. To transfer a lease, please send us a written request, including the new owner's name and address. There is also a \$100 processing fee that can be paid by either party. Notification may be provided by an attorney or real estate broker involved in the transaction, or even the new owner, provided they submit a copy of the new deed and transfer fee.

If you hold an easement, please provide the name and mailing address of the new owner. They will need to provide us with a copy of their deed to the property so that the easement can be assigned to them.

Renewals

Most leases and easements are issued for a 30-year term. Several months prior to the end of the term, the Bureau sends notice that you will need to apply for a new 30-year conveyance. This is sent during the summer months when it is easier to check measurements and take photographs.

Modifications

Please keep in mind that any changes to your structure, including the addition of floats (seasonal or permanent), may require your lease or easement to be updated. If you are planning any changes, please contact us.

2014 SUBMERGED LANDS PROGRAM ACTIVITY SUMMARY

The Bureau of Parks and Lands processed 136 applications in 2014. Sixty-three (63) new leases and easements were granted, including 9 amendments to existing conveyances and 5 renewals of expiring conveyances. The Bureau also reviewed 73 applications and determined that no conveyance was required. The following list indicates the types of leases and easements approved (or amended) in 2014 and the total number of leases and easements in the Submerged Lands Program.

	Leases	Easements
Private residential piers/floats	14	11
Private recreational facilities	17	9
Utility cables and pipelines	10	3
Commercial marine facilities	8	6
Public service or public facilities	8	4
Dredging (including one log salvage lease)	5	NA
TOTALS	62	33

PROGRAM TOTALS: LEASES - 1,212 EASEMENTS - 772 DREDGING LEASES - 12